



# Commercial Industries

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December 7, 2004

EX PARTE OR LATE FILED

Commissioner Kathleen Q. Abernathy  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W., Room 8-B115  
Washington, DC 20554

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DEC 9 2004

FCC - MAILROOM

**Re: Access to Unbundled Network Elements, WC Docket No. 03-225**

Dear Chairman Powell:

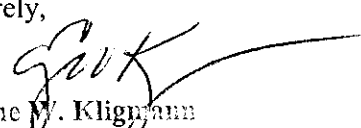
I am writing to urge you, in taking action on the pending revision of the Unbundled Network Element (UNE) rules, to ensure that payphone companies like mine continue to have competitive alternatives for their local service needs.

As the Commission has long recognized, payphones play a critical role in meeting the needs of the public for communications on the move – especially in emergencies and in disasters such as 9/11. And for many citizens, payphones are the only telephones they can use. That is why Congress mandated wide availability of service in the Telecommunications Act. To continue providing payphones in the face of an expanding use of personal wireless devices, my company must have reliable local service connections at a reasonable cost. This is so because my local phone bill is my single largest monthly cost of operating my phones. To keep service quality high and costs low, we rely on the availability of competitive telephone companies for local service. Without competitive local service options like UNE-P, there is no market check on what we may be charged by the incumbent telephone company.

For our payphones, the only competitive alternative that has proved effective to date is UNE-P. Our payphones do not transmit data and do not need broadband channels; thus, broadband facilities do not provide a viable competitive alternative for our payphones. In the last few years, we have had to remove a large number of our payphones from service because their revenue was insufficient to meet operating costs. Without UNE-P, the American public is sure to lose more of the valuable payphone services they need and rely on today.

Therefore, I urge you to take steps to ensure that the FCC's revised UNE rules preserve competitive local service alternatives for payphones. Thank you for your consideration.

Sincerely,

  
Eugene W. Kligmann  
Commercial Pay Phones, Inc.  
President

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